

MAY 12 2003

NOT FOR PUBLICATION

UNITED STATES COURT OF APPEALS

FOR THE NINTH CIRCUIT

CATHY A. CATTERSON
U.S. COURT OF APPEALS

UNITED STATES OF AMERICA,

Plaintiff - Appellee,

v.

ROBERT NIGOS, aka Obet,

Defendant - Appellant.

No. 00-10614

D.C. No. CR-00-00085-002-JSU

MEMORANDUM*

Appeal from the United States District Court
for the District of Guam
John S. Unpingco, District Judge, Presiding

Submitted May 6, 2003**
Honolulu, Hawaii

Before: LEAVY, RYMER, and T.G. NELSON, Circuit Judges.

Robert Nigos appeals his conviction and sentence following a guilty plea to
conspiracy to import methamphetamine in violation of 21 U.S.C. §§ 952(a), 960

* This disposition is not appropriate for publication and may not be cited to or
by the courts of this circuit except as provided by Ninth Circuit Rule 36-3.

** This panel unanimously finds this case suitable for decision without oral
argument. See Fed. R. App. P. 34(a)(2).

and 963. The government concedes plain error on account of the district court's failure to advise Nigos that he could not withdraw from his plea even if the court declined to accept the recommendation set out in the plea agreement. Fed. R. Crim. P. 11(e)(2); *United States v. Dominguez-Benitez*, 310 F.3d 1221, 1227 (9th Cir. 2002). Accordingly, we must reverse and remand. For this reason it is unnecessary to reach Nigos's other assignments of error.

REVERSED AND REMANDED.